IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 490 of 1995

Between:

Ritesh Exports Limited,

Kandilakoya, Medchal Mandal,

Ranga Reddy District.

..... PETITIONER

AND

1.The Assistant Divisional Engineer,

Electrical Operation, APSEB, Medchal

R.R.District.

2.The Additional Assistant Engineer,

operation, APSEB,Lingampally,

Medchal Mandal, R.R.Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Mandamus declaring the action of the respondents in disconnecting electricity supply to the petitioner's unit pursuant toLtr.No.ADE/OP/SD/MDCL/SCNo.250/Malp/F.No.74/D.No.468 dated 5-1-1995 as illegal, arbitrary and irrational and consequently direct the respondents to restore supply to the petitioner's unit forthwith.

Counsel for the Petitioner: MRGCHANDRA SEKHAR

Counsel for the Respondents: SMT.M.VINOBA DEVI. STANDING COUNSEL FOR APSEB

The Court made the following :

ORDER

The petitioner herein which is an industry seeks to assail in this Writ Petition the provisional assessment made on 5-1-1995 by the respondent herein in respect of certain allegations found against the petitioner in pursuance of the inspection done on
30-11-1994. This Court has granted interim stay on 10-1-1995 and the same is still subsisting.

Having heard the learned counsel on behalf of either side and perusal of material, it is to be seen that as against the provisional assessment, the petitioner has got ample opportunity for filing proper explanation and on consideration of which, the final assessment has to be passed. Even thereafter, the petitioner has got right of appeal. Having regard to the said alternative remedy available, I do not find any justification to go into the merits of the case or to entertain the writ petition under Section 226 of the Constitution of India.

The Writ Petition is accordingly, dismissed with a liberty to the petitioner to file an explanation within a period of four weeks from today and on receipt thereof, consequent proceedings be finalized by the respondents. No costs.

18-11-2004.

Hsd

Assistant Registrar

To

1.The Assistant Divisional Engineer,

Electrical Operation, APSEB, Medchal

R.R.District.

2.The Additional Assistant Engineer,

operation, APSEB,Lingampally,

Medchal Mandal, R.R.Dist.

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